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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,512	09/28/2000	Richard Thomas Aiken	5-11	2116

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LUCENT TECHNOLOGIES INC.
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EXAMINER

NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/672,512	Applicant(s) RICHARD THOMAS AIKEN ET AL	
	Examiner David Q Nguyen	Art Unit 2681	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-7,9-16 and 18-30.

Claim(s) withdrawn from consideration: 8,17 and 31.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

E. L. Moore
EMMANUEL L. MOORE
PRIMARY EXAMINER

Advisory Action and Response to Arguments

Applicant's argument filed 03/24/05 have been fully considered but they are not persuasive.

In response to Applicant's Remarks on page 2, applicants argue: "Applicants note that the Office Action asserts that Forssen teaches applicants' claim 1 limitation in column 4, lines 36-67. However, that section of Forssen actually teaches that a signal received at an antenna array from a mobile station is used to characterize the position of the mobile station as a function of measured power. This is clearly different from, and perhaps the opposite of, what is claimed in applicant's claim 1, because applicants' claim 1 requires that the amount energy directed towards a terminal be a function of 1) the location and 2) the acceptable receive strengths, of at least two the terminals."

Examiner respectfully disagrees because Forssen discloses that a signal received at an antenna array from a mobile station is used to characterize the position of the mobile station as a function of measured power, as stated above by applicants. It is clearly that Forssen discloses what is claimed in applicant's claim 1. That is the amount energy directed towards a terminal be a function of 1) the location and 2) the acceptable receive strengths, of at least two the terminals."

Applicants argue on page 3: " The Office Action has cited Fukagawa only for its teaching that the direction of its antenna is in an azimuth direction. Thus, the Office Action seems to indicate, and applicants agree, that Fukagawa does not supply the element of applicants claim 1 that was shown hereinabove not to be taught by Forssen. Therefore the combination of Forssen with Fukagawa does not teach or suggest all of the limitations in applicants' claim 1".

Examiner respectfully disagrees because the combination of Forssen with Fukagawa does teach or suggest all of the limitations in applicants' claim 1, as explained in the Office Action..

DN
David Nguyen